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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,251	05/31/2000	Hirofumi Takei	B208-1095	2841
26272	7590	05/12/2004	EXAMINER	
ROBIN BLECKER & DALEY 2ND FLOOR 330 MADISON AVENUE NEW YORK, NY 10017			LONG, HEATHER R	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,251

Applicant(s)

TAKEI, HIROFUMI

Examiner

Heather R Long

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8,11-13,15,18-20 and 22 is/are rejected.
- 7) ☐ Claim(s) 2,3,7,9,10,14,16,17 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 03/04/2004 have been fully considered but they are not persuasive.

Referring to the Takei reference, the Applicant argues that Takei does not disclose a comparison part, which makes a comparison between brightness information of the mean value and the peak value. The Examiner respectively disagrees. Takei discloses in col. 15, lines 50-56 that "the correction signal calculation section (34) selects data having the minimum value, i.e., data which minimizes the white balance correction amount, of color temperature data [Ravr(w), Bavr(w)], [R(Ymax), B(Ymax)], and [Ravr, Bavr], and compares the selected color temperature data with the above-mentioned reference potentials (reference values) Rref and Bref". Furthermore, it is inherent that a comparison would have to be made between [Ravr(w), Bavr(w)], [R(Ymax), B(Ymax)], and [Ravr, Bavr] in order to select the data with the minimum value. Therefore, meaning that Takei does disclose a white balance correcting device for correcting white balance of a picked up image, comprising a comparison part that makes a comparison between brightness information of the mean value and the peak value.

Also the Applicant argues that the comparisons are between average values or minimum values and not between the mean values and the peak values. The Examiner respectively disagrees. The definition of the word

"average" according to the Merriam-Webster's Collegiate Dictionary is: equaling an arithmetic mean. Therefore, according to this definition the mean value and the average value are the same. Furthermore, $[R(Y_{max}), B(Y_{max})]$ are values representing the maximum brightness level, of the data group of the regions subjected to white extraction (col. 15, lines 27-30). Therefore, the comparisons disclosed by Takei in col. 15, lines 50-55 are done between the mean value and the peak value.

The Applicant argues that Takei does not teach or suggest extracting a maximum brightness value from all of the plurality of blocks. The Examiner disagrees. The maximum brightness level is calculated based on whether or not the block was in the white extraction region. Furthermore, each block is evaluated individually for white extraction therefore suggesting that the maximum brightness level is computed individually for each block and then an average $([R(Y_{max}), B(Y_{max})])$ is found for the maximum brightness levels of the blocks that were considered to be within the white extraction region.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 4, 6, 8, 11, 13, 15, 18, 20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Takei (U.S. Patent 5,831,672).

Regarding claim 1, Takei discloses a white balance correcting device for correcting white balance of a picked-up image, comprising: mean value calculating part which calculates a mean value of brightness and mean values of color signals from video signals obtained in each of a plurality of blocks of an image pickup plane; peak value acquiring part which acquires a peak value of brightness and peak values of color signals from video signals obtained in each of the plurality of blocks; comparison part which makes comparison between brightness information of the mean value and the peak value; selection part which selects either of the mean values of the color signals obtained by the mean value calculating part or the peak values of color signals obtained by the peak value acquiring part according to comparison result by the comparison part; and white balance control part which controls white balance on the basis of the values selected by the selection part (col. 10, lines 1-11 and 32-41; col. 14, lines 58-61; col. 15, lines 27-30 and 50-64). Takei discloses in col. 15, lines 50-56 that "the correction signal calculation section (34) selects data having the minimum value, i.e., data which minimizes the white balance correction amount, of color temperature data $[R_{avr}(w), B_{avr}(w)]$, $[R(Y_{max}), B(Y_{max})]$, and $[R_{avr}, B_{avr}]$, and compares the selected color temperature data with the above-mentioned reference potentials (reference values) R_{ref} and B_{ref} ". Furthermore, it is inherent that a comparison would have to be made between $[R_{avr}(w), B_{avr}(w)]$, $[R(Y_{max}), B(Y_{max})]$, and $[R_{avr}, B_{avr}]$ in order to select the data with the minimum value.

Regarding claim **4**, Takei discloses in Fig. 9 a white balance correcting device wherein the peak value acquiring part acquires peak values of video signals from signals that have beforehand been subjected to limitation for setting an upper limit to a signal level of an inputted video signal (col. 10, lines 25-30).

Regarding claim **6**, Takei discloses a white balance correcting device for correcting white balance of a picked-up image, comprising: mean value calculating part which calculates a mean value of inputted video signals; peak value acquiring part which acquires a peak value of the inputted video signals; comparison part which makes comparisons between brightness information of the mean value and the peak value; selection part which selects either of mean color values obtained by the mean value calculating part or peak color values obtained by the peak value acquiring part according to the comparison result by the comparison part; and white balance control part which controls white balance on the basis of the value selected by the selection part (col. 10, lines 1-11 and 32-41; col. 14, lines 58-61; col. 15, lines 27-30 and 50-64). See explanation for claim 1 and response to arguments for further discussions.

Regarding claims **8** and **11**, these are method claims corresponding to the apparatus claims 1 and 4 respectively. Therefore, claims 8 and 11 are analyzed and rejected as previously discussed with respect to claims 1 and 4.

Regarding claim **13**, this is a method claim corresponding to the apparatus claim 6 respectively. Therefore, claim 13 is analyzed and rejected as previously discussed with respect to claim 6.

Regarding claim **15**, Takei discloses a storage medium which stores therein a program for executing a process for correcting white balance of a picked-up image, the process comprising: dividing an image picking-up plane into a plurality of blocks; calculating mean values of video signals obtained in each of the plurality of blocks; acquiring peak values of video signals obtained in each of the plurality of blocks; making comparison between information of the mean value and the peak value; selecting either of the mean values or the peak values according to the comparison result; and controlling white balance on the basis of the selected values of the mean values and the peak values (col. 9, lines 49-54; col. 10, lines 1-11 and 32-41; col. 14, lines 58-61; col. 15, lines 27-30 and 50-64). See explanation for claim 1 and response to arguments for further discussions.

Regarding claim **18**, Takei discloses a storage medium wherein peak values of the video signals are acquired from signals that have beforehand been subjected to limitation for setting an upper limit to a signal level of an inputted video signal (col. 10, lines 25-30).

Regarding claim **20**, Takei discloses a storage medium which stores therein a program for executing a process for correcting white balance of a picked-up image, the process comprising: calculating mean values of inputted video signals; acquiring peak values of the inputted video signals; making comparison between brightness information of the mean value and the peak value; selecting either of the mean values and the peak values according to the comparison result; and controlling white balance on the basis of the selected

values by the selecting (col. 10, lines 1-11 and 32-41; col. 14, lines 58-61; col. 15, lines 27-30 and 50-64). See explanation for claim 1 and response to arguments for further discussions.

Regarding claim **22**, Takei discloses a white balance correcting device for correcting white balance of a picked-up image, comprising: mean value calculating part which calculates mean values of video signals obtained in each of a plurality of blocks of an image pickup plane; peak value acquiring part which acquires peak values of video signals from all of the plurality of blocks; selection part which selects either of the values obtained by the mean value calculating part or the values by the peak value acquiring part; and white balance control part which controls white balance on the basis of the value selected by the selection part (col. 10, lines 1-11 and 32-41; col. 14, lines 58-61; col. 15, lines 27-30 and 50-64). See explanation for claim 1 and response to arguments for further discussions.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 5, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takei (U.S. Patent 5,831,672).

Regarding claim **5**, Takei differs from claim 5 in that claim 5 further requires a white balance correcting device wherein the peak value acquiring part

acquires peak values of video signals from signals that have beforehand been subjected by a low-pass filter to limitation for setting an upper limit to a signal level of an inputted video signal. However, Official Notice is taken that both the concept and the advantages of using a low-pass filter to set the upper limit of a signal level of an inputted video signal is well known and expected in the art. Therefore, it would have been obvious to use a low-pass filter to set the upper limits of a signal level of an inputted video signal to obtain a certain range of peak values.

Regarding claim **12**, this is a method claim corresponding to the apparatus claim 5 respectively. Therefore, claim 12 is analyzed and rejected as previously discussed with respect to claim 5.

Regarding claim **19**, grounds for rejecting claim 5 apply for claim 19 in its entirety.

Allowable Subject Matter

6. Claims 2-3, 7, 9-10, 14, 16-17, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: prior art fails to teach or suggest a white balance correcting device:

a. Wherein the comparison part computes a comparison between a first integral value obtained by integrating mean values of video signals obtained in

the plurality of blocks by the mean value calculating part and a second integral value obtained by integrating peak values of video signals obtained in the plurality of blocks by the peak value acquiring part, and, if the second integral value is not less than a predetermined number of times the first integral value, the selection part selects the value obtained by the peak value acquiring part, and, if the second integral value is less than the predetermined number of times the first integral value, the selection part selects the value obtained by the mean value calculating part.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-0681. The examiner can normally be reached on M,T,W,T: 7:00 am - 4:30 pm, F: 7:00 a-3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HRL
May 10, 2004



NGOC-YEN VU
PRIMARY EXAMINER